



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

FOR THE JUNIORS.

DESCENT OF LAND FROM AN INFANT.—By Code of Virginia, Section 2556, it is enacted: "If an infant die without issue, having title to real estate derived by gift, devise, or descent from one of his parents, the whole of it shall descend and pass to his kindred on the side of that parent from whom it was so derived, if any such kindred be living at the death of the infant. If there be none such, then it shall descend and pass to his kindred on the side of the other parent."

It is manifest that the old feudal idea of the blood of the first purchaser is here recognized: But the principle of the statute is a natural one. It is intended to prevent the transfer of land from one family to another in a case like the following: B marries F, who has title to real estate. A child is born to F, who survives his mother only a few hours, she dying in child-birth. It would be unjust that B should inherit F's land from her child, and transmit it to *his* heirs, perhaps his children by a second wife. It is enough in such a case that B should have curtesy. See *Vaughan v. Jones*, 23 Gratt. 444.

It must be borne in mind that the real estate of an infant will descend in the same manner as that of an adult, (1) unless it is derived by gift, devise or descent from one of his *parents*, *i. e.*, unless it is derived from his *father* or *mother*, not grandfather or grandmother; and (2) unless the estate is derived *directly* from one of his parents. If, for example, land descends from a parent to a brother of the infant, and from the brother to the infant, this land is not derived by the infant from the *parent* in the meaning of the statute.

A good example of the descent of land from an infant is found in *Davis v. Christian*, 15 Gratt. 11, 32. There J. B. Colton devised two-ninths of his realty to each of his three daughters, Hannah, Jane and Sarah. All three died without issue before their mother, Abby C.; Hannah in 1839, an infant; Jane in 1840, an adult, and Sarah in 1841, an infant. On the death of Hannah, an infant, her two-ninths, derived directly by devise from her father, went to her two sisters equally, to the exclusion of her mother. When Jane died next, an *adult*, her estate passed to her mother and her sister Sarah in equal shares. And on the death of Sarah, an infant, her estate descended as follows: The two-ninths received directly from her father could not go to Abby C., her mother, but passed to Mrs. Shuble, Sarah's collateral heir at law on the *father's side*; but the shares inherited from her sisters, *viz.*, one-ninth from Hannah and three-eightieths from Jane, went to Sarah's mother, as these were not derived by Sarah *directly* from her father. So that Abby C. inherited from her daughters four-ninths in all.

The above example shows the importance in tracing descent of paying strict attention to the *order* in which deaths occur, the *age* of each decedent, whether infant or adult, and the *source* from which interests in land are derived when an infant dies without issue having title to real estate. C. A. G.

RECORDATION—*Priority of right not always secured by priority of recordation.* Under the Virginia statute of registry (Va. Code 1887, sec. 2465) a purchaser of